

REMARKS

In view of the above amendments and following remarks, reconsideration of the rejections contained in the Office Action of January 27, 2006 is respectfully requested.

The Examiner rejected claims 28-32, 35-37, 40 and 43 as being anticipated by Ohlenforst et al., U.S. Patent 5,261,718 (Ohlenforst) in view of Braendle et al. (Braendle). Claim 33 was rejected over the same two references and in further view of Schroter, EP 0304694. However, it is respectfully submitted that the present invention clearly patentably distinguishes over Ohlenforst, Braendle and Schroter, not only for the reasons as have been previously mentioned, but also for the additional reasons discussed below.

While in fact it is not necessary to distinguish over the references, it is noted that claims 28 and 43, the only independent claims at issue, have been amended to recite that the raised portion of the profile, being in the form of a curled lip having a base that extends away from the glazing, has the remainder of the lip curling over towards the mounting flange in the form of a scroll. This limitation is supported by the original specification; note for example page 9, line 23 of the substitute specification.

The Examiner, in comparing Ohlenforst with the present invention, acknowledges that Ohlenforst does not disclose that the raised portion is in the form of a curled lip, or that the glazing is inserted into the aperture from outside of the vehicle body. However, the Examiner does assert that Ohlenforst discloses "a raised portion (37) that is shaped and positioned to center said glazing (1) within said aperture during insertion of said glazing in said aperture by bearing against said inner edge of said mounting flange (41)." However, this is respectfully submitted to clearly be incorrect.

The so-called raised portion 37 cited by the Examiner is in fact the profile frame as shown in Fig. 4. As can be seen from Fig. 4, and the other figures of Ohlenforst, there is nothing that is shaped and positioned to center the glazing within the aperture during insertion of the glazing. Further, nowhere in Ohlenforst's specification is there any mention of the profile centering the glazing, nor is there any illustration of any centering action. To illustrate such would require, for example, step-by-step drawings showing the profile approaching and bearing against the mounting flange during insertion of the glazing, with resulting centering effect. Opposite edges might also be

shown in a drawing to illustrate the centering of the glazing. However, no such illustration or any discussion thereof is provided by Ohlenforst. This is in stark contrast to Applicants' specification, which clearly discusses and describes and illustrates such action.

In fact, Ohlenforsts' profiles 4, 14, 28 and 37 are the wrong shape to center a glazing during its insertion into the aperture. An appropriate shape could be sloping, tapered or curled in section so as to progressively generate a lateral force while bearing against the mounting flange during insertion, the force centering the glazing. In looking at the disclosure of Ohlenforst, it can be seen that in column 3, at lines 48-53, it is stated that a profile section 14 is provided which "cooperates with the edge 15 of the mounting flange 16, which in turn has a locking groove 17, in which engages the mounting flange edge 15." However, the term "cooperates" refers to the engagement of the edge 15 of the mounting flange 16 with the locking groove 17, and not to any centering action. It can be seen but there is nothing to indicate that any centering would take place either before, during or after insertion from the structure that is provided.

Accordingly, the Examiner's statement that the profile 37 of Ohlenforst is shaped and positioned to center the glazing during insertion of the glazing is clearly incorrect. There is no evidence to support this contention.

By contrast, in both claims 28 and 43 it is recited that the "profile has a raised portion that is shaped and positioned to center said glazing within said aperture during insertion of said glazing in said aperture by bearing against said inner edge of said mounting flange." In addition, the claim goes on to define that the raised portion of the profile that is so shaped and positioned is in the form of a curled lip. As can be seen from the drawings, during insertion the curled lip bears against the inner edge of the mounting flange so as to tend to center the glazing 1. No such action takes place in Ohlenforst, and no structure capable of such action is disclosed or suggested.

On page 4 of the Office Action the Examiner makes the statement that "it would have been obvious to one of ordinary skill in the art to form the lip in a curled shape . . . as it would merely involve the alternate utilization of an equivalent lip means to achieve the same exact function." This contention by the Examiner is completely without support in any evidence of record. The Examiner has cited no evidence that a raised portion of a profile in the form of a curled lip, with the remainder

of the lip curling over towards the mounting flange, as recited, would have been obvious. There is no teaching cited by the Examiner of such a structure being an equivalent of the structure provided by Ohlenforst. Thus, the Examiner's rejection is completely without any evidentiary support, and must be withdrawn.

While the above makes it clear that the claims of the present invention distinguish over Ohlenforst, whether or not considered in view of Braendle, in order to attempt to expedite the issuance of the application, the shape of the curled lip has been defined as being in the form of a scroll, as discussed above. None of the references cited by the Examiner disclose or suggest the lip being in the form of a scroll as now recited. This form, with the present invention, is advantageous, because the lip becomes akin to a spring and is thus especially well adapted to exert the lateral centering force when the scroll is compressed by contact with the edge of the mounting flange during insertion of the glazing into the aperture.

It is noted that the Examiner cited Braendle as inserting a glazing into the aperture from outside of the vehicle body. The fact that Braendle discloses insertion from the outside is accepted. Insertion from the outside has, as far as Applicants are aware, always has been the method that has been chosen in practice in the automotive glazing industry, and it is expected to remain so. It is Ohlenforst that proposes an unusual deviation from the norm in teaching insertion from the inside of the vehicle.

As has been discussed previously, the proposal of Ohlenforst was not taken up by the industry, and those of skill in the art at the time the present invention was made would have considered the teachings of Ohlenforst as going against accepted practice. Thus, because the direction of insertion is fundamental to the design of both the mounting flange and the glazing profile, the teaching of Ohlenforst would be regarded as incompatible with the other citations in this field. As such, one of ordinary skill in the art would not have considered combining Braendle with Ohlenforst, and would in fact have dismissed Ohlenforst as a mere historical curiosity.

For all of the above reasons, it is respectfully submitted that the Examiner's rejection based upon Ohlenforst and Braendle cannot be applied to claims 28 and 43, along with their dependent claims.

While Schroter was also cited by the Examiner, it clearly fails to cure the deficiencies of Ohlenforst and Braendle. Accordingly, it may be seen that all of the claims at issue in the present application clearly distinguish over all of the references that have been cited by the Examiner. Indication of such is respectfully requested.

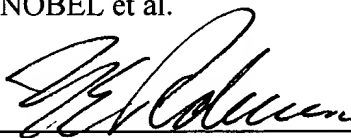
Applicants reverse all rights to traverse and argue against all positions of the Examiner not specifically addressed above.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact Applicants' undersigned representative.

Respectfully submitted,

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